

SENATE BILL No. 473

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-9-3-2.5.

Synopsis: Campaign finance disclosures. Provides that certain communications relating to the approval or defeat of a clearly identified public question must contain disclosures similar to disclosures required for communications relating to the election or defeat of a clearly identified candidate. Provides that the disclosures are not required for communications by an individual or association of individuals who act independently of candidates and committees and who spend no more than \$500 from the individual's or association's own resources.

Effective: July 1, 2009.

Miller

January 14, 2009, read first time and referred to Committee on Elections.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 473

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-9-3-2.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.5. (a) This section
3 does not apply to any of the following:

4 (1) A communication relating to an election to a federal office.

5 (2) A communication relating to the outcome of a public question,

6 **but only if:**

7 **(A) the communication is by an individual or association of**
8 **individuals that acts independently of candidates,**
9 **candidate's committees, political committees, and political**
10 **action committees; and**

11 **(B) the individual or association spends only from the**
12 **individual's or association's own resources a sum that is**
13 **less than five hundred dollars (\$500) to produce or**
14 **distribute campaign material.**

15 (3) A communication described by this section in a medium
16 regulated by federal law to the extent that federal law regulates
17 the appearance, content, or placement of the communication in



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the medium.

(4) Bumper stickers, pins, buttons, pens, and similar small items upon which the ~~disclaimer~~ **disclosure** required by this section cannot be conveniently printed.

(5) Skywriting, water towers, wearing apparel, or other means of displaying an advertisement on which the inclusion of a ~~disclaimer~~ **disclosure** would be impracticable.

(6) Checks, receipts, and similar items of minimal value that do not contain a political message and are used for purely administrative purposes.

(7) A communication by a political action committee organized and controlled by a corporation soliciting contributions to the political action committee by the stockholders, executives, or employees of the corporation and the families of those individuals.

(8) A communication by a political action committee organized and controlled by a labor organization soliciting contributions to the political action committee by the members or executive personnel of the labor organization and the families of those individuals.

(9) A direct mailing of one hundred (100) or less substantially similar pieces of mail.

(b) This section applies whenever a person:

(1) makes an expenditure for the purpose of financing communications expressly advocating:

(A) the election or defeat of a clearly identified candidate; or

(B) **the approval or defeat of a clearly identified public question (subject to subsection (a)(2)); or**

(2) solicits a contribution;

through a newspaper, a magazine, an outdoor advertising facility, a poster, a yard sign, a direct mailing, or any other type of general public political advertising.

(c) For purposes of this section, a candidate is clearly identified if any of the following apply:

(1) The name of the candidate involved appears.

(2) A photograph or drawing of the candidate appears.

(3) The identity of the candidate is apparent by unambiguous reference.

(d) A communication described in subsection (b) must contain a ~~disclaimer~~ **disclosure** that appears and is presented in a clear and conspicuous manner to give the reader or observer adequate notice of the identity of persons who paid for and, when required, who

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1 authorized the communication. A ~~disclaimer~~ **disclosure** does not
 2 comply with this section if the ~~disclaimer~~ **disclosure** is difficult to read
 3 or if the placement of the ~~disclaimer~~ **disclosure** is easily overlooked.

4 (e) A communication that would require a ~~disclaimer~~ **disclosure** if
 5 distributed separately must contain the required ~~disclaimer~~ **disclosure**
 6 if included in a package of materials.

7 (f) This subsection does not apply to a communication, such as a
 8 billboard, that contains only a front face. The ~~disclaimer~~ **disclosure**
 9 need not appear on the front or cover page of the communication if the
 10 ~~disclaimer~~ **disclosure** appears within the communication.

11 (g) Except as provided in subsection (h), a communication
 12 described in subsection (b) must satisfy one (1) of the following:

13 (1) If the communication is paid for and authorized by:

14 (A) a candidate;

15 (B) an authorized political committee of a candidate; or

16 (C) the committee's agents;

17 the communication must clearly state that the communication has
 18 been paid for by the authorized political committee.

19 (2) If the communication is paid for by other persons but
 20 authorized by:

21 (A) a candidate;

22 (B) an authorized political committee of a candidate; or

23 (C) the committee's agents;

24 the communication must clearly state that the communication is
 25 paid for by the other persons and authorized by the authorized
 26 political committee.

27 (3) If the communication is not authorized by:

28 (A) a candidate;

29 (B) an authorized political committee of a candidate; or

30 (C) the committee's agents;

31 the communication must clearly state the name of the person who
 32 paid for the communication and state that the communication is
 33 not authorized by any candidate or candidate's committee.

34 (4) If the communication is a solicitation directed to the general
 35 public on behalf of a political committee that is not a candidate's
 36 committee, the solicitation must clearly state the full name of the
 37 person who paid for the communication.

38 (h) A communication by a regular party committee consisting of:

39 (1) a printed slate card, a sample ballot, or other printed listing of
 40 three (3) or more candidates for public office at an election;

41 (2) campaign materials such as handbills, brochures, posters,
 42 party tabloids or newsletters, and yard signs distributed by

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1 volunteers and used by the regular party committee in connection
2 with volunteer activities on behalf of any nominee of the party; or
3 (3) materials distributed by volunteers as part of the regular
4 party's voter registration or get-out-the-vote efforts;
5 must clearly state the name of the person who paid for the
6 communication but is not required to state that the communication is
7 authorized by any candidate or committee.

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